

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 432 – SB 1278**

April 3, 2018

**SUMMARY OF ORIGINAL BILL:** Creates three new class C felonies for reckless endangerment and an enhancement of one classification if the offense is deemed to be an act of “community terrorism”.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$1,531,800/Incarceration\*

**SUMMARY OF AMENDMENTS (008047, 016479):** Amendment 008047 deletes and rewrites the proposed legislation to create an “act of community terrorism” for reckless endangerment offenses committed by discharging a firearm into a group of two or more people, from within a motor vehicle, or into a motor vehicle. The punishment for an act of community terrorism is revocation of the defendant’s driver license or a prohibition from receiving a driver license, to begin upon conviction and continue for five years following any period of confinement, and a minimum \$5,000 fine.

Requires a court to report a conviction to the Department of Safety, who shall revoke the defendant’s driver license. Authorizes a person whose driver license has been revoked under the proposed legislation to apply for a restricted driver license in order to drive to and from work, church, or school. The effective date is July 1, 2018

Amendment 016497 changes the effective date from July 1, 2018, to July 1, 2019.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Increase State Revenue – \$800/FY24-25 and Subsequent Years/Department of Safety**

Assumptions for the bill as amended:

- Reckless endangerment is conduct that places or may place another person in imminent danger of death or serious bodily injury.

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- The proposed legislation requires a minimum fine of \$5,000 if the reckless endangerment is committed by discharging a firearm (1) into a group of two or more people, (2) from within a motor vehicle, or (3) into a motor vehicle.
- The fine is imposed in addition to any period of confinement imposed.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. There will not be a significant increase in revenue as a result of the mandatory minimum fines for these offenses.
- The proposed legislation requires the revocation of the defendant's driver license if the reckless endangerment is committed by discharging a firearm (1) into a group of two or more people, (2) from within a motor vehicle, or (3) into a motor vehicle.
- There is no reinstatement fee set for these revocations. The Department of Safety will charge the \$65 reinstatement fee set forth in Tenn. Code Ann. § 55-12-129(b).
- It is assumed 13 defendants each year will be convicted of reckless endangerment that meets the circumstances under the proposed legislation, and, therefore, have their licenses revoked upon conviction.
- The effective date of the proposed legislation is July 1, 2019. The first revocations will not occur until FY19-20 at the earliest.
- It is assumed that the first reinstatement fees collected by the DOS will occur in FY24-25.
- The proposed legislation will increase recurring state revenue by \$845 (\$65 x 13), beginning in FY24-25.
- It is assumed that courts can report the convictions to the Department of Safety within existing resources.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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